



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

05 APR 2018

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6121 8694

The Honorable Alan Zavodny  
Mayor of David City  
557 North 4<sup>th</sup> Street  
David City, Nebraska 68632

Re: **Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)**

Dear Mayor Zavodny:

The U.S. Environmental Protection Agency is issuing this Request for Information pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a) in order to obtain information concerning compliance with the CWA. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the City to provide the information requested in **ENCLOSURE 1 within thirty (30) days of receipt to the address identified therein.**

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Jodi Bruno, at (913) 551-7810.

Sincerely,

Karen A. Flourney  
Director  
Water, Wetlands and Pesticides Division

Enclosures

cc: NDEQ, via electronic copy  
Mr. James Egr, City Attorney, David City, via electronic copy



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## ENCLOSURE B

### STATEMENT OF CERTIFICATION

I certify that the information submitted in response to the Information Request is true, accurate, and complete.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

#### **40 C.F.R. § 122.22(a). Signatories to permit applications and reports.**

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

7. *Submission of Response to Information Request.* All responses to this Information Request must be submitted within the timeframes identified in Section II, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

**Jodi Bruno  
U.S. Environmental Protection Agency  
Water, Wetlands and Pesticides Division  
11201 Renner Boulevard  
Lenexa, Kansas 66219**

## **II. Requested Information**

Please submit your response to this Information Request within thirty (30) days of receipt.

1. Please provide any monitoring data collected by either David City or Henningsen Foods, Inc. for wastewater discharged from Henningsen Foods' facility located at 325 Third Street in David City, Nebraska (Facility) to David City's collection system for the publicly owned treatment works, including but not limited to, the 5-consecutive day sampling conducted by David City at the Facility's outfalls, for the following two time periods:
  - a. January 1, 2014 – March 31, 2015; and
  - b. April 1, 2017 – Current

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

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